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7 **PHILLIPS, SPALLAS & ANGSTADT LLC**
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12 *Attorneys for Defendant
Wal-Mart Stores, Inc.*

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 ELWIN BRODIE, individually,

16 vs. Plaintiff,
17 WAL-MART STORES, INC.; DOES 1 through
18 100; and ROE CORPORATION 101 though
19 200, inclusive,

20 Defendant(s).

21 Case No.: 2:21-cv-00009-JCM-VCF

22 **STIPULATION AND [PROPOSED]
ORDER TO EXTEND DISCOVERY
DEADLINES**

23 **[THIRD REQUEST]**

24 Plaintiff ELWIN BRODIE (hereinafter "Plaintiff") and Defendant WAL-MART STORES, INC. (hereinafter "Defendant" or "Walmart"), by and through their respective counsel of record, do hereby stipulate to extend the remaining deadlines in the current scheduling order and discovery plan in this matter for a period of sixty (60) days for the reasons explained herein.

25 Pursuant to Local Rule 6-1(b), the parties hereby aver that this is the third such discovery
26 extension requested in this matter.

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DISCOVERY COMPLETED TO DATE

- 1 • The parties have conducted an FRCP 26(f) conference and have served their respective FRCP
2 26(a) disclosures;
- 3 • The parties have filed all required documents pursuant to ECF 2 to date;
- 4 • Plaintiff has provided provider specific authorizations;
- 5 • Defendant has served written discovery to Plaintiff and Plaintiff has submitted timely responses;
- 6 • Deposition of Plaintiff;

DISCOVERY TO BE COMPLETED AND REASONS FOR EXTENSION OF DISCOVERY

Discovery to be completed includes:

- 9 • Plaintiff serve Defendant written discovery;
- 10 • Depositions of Plaintiff's treating physicians;
- 11 • Depositions of fact witnesses;
- 12 • Disclosure of experts by both parties;
- 13 • Depositions of expert witnesses and rebuttal expert witnesses; and
- 14 • Plaintiff to notice Defendant's 30(b)(6) deposition.

15 The parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested extension.

16 The parties agree that, pending this Court's approval, extension of remaining discovery deadlines is
17 appropriate, as the parties has agreed to allow Plaintiff to conduct the deposition of fact witness, and
18 allow Defendant to gather additional facts in order to allow Defedant to attend settlement conference
19 knowing all facts of the case, which will allow them to negotiate in good faith. The parties aver that
20 they are attempting to settle this matter.

21 The parties have acted in good faith to request this extension and have no intent, nor reason, to
22 delay the resolution of this matter.

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~~PROPOSED~~ NEW DISCOVERY DEADLINES

Expert Disclosure Deadline:

Currently: November 23, 2021

Proposed: No Change

Rebuttal Expert Disclosure Deadline:

Currently: December 24, 2021

Proposed: No Change

Last Day to Amend Pleadings or Add Parties:

Currently: November 23, 2021

Proposed: No Change

Discovery Cut-Off Date:

Currently: February 18, 2022

Proposed: April 19, 2022

Dispositive Motion Deadline:

Currently: March 22, 2022

Proposed: May 23, 2022

Proposed Joint Pre-Trial Deadline:

Currently: April 21, 2022 If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.

Proposed: **June 20, 2022**

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If this extension is granted, all anticipated additional discovery should be concluded within the stipulated extended deadline. The parties aver that this request for extension of discovery deadlines is made by the parties in good faith and not for the purpose of delay.

DATED this 9th day of February, 2022.

BERNSTEIN & POISSON

/s/ *Amber N. King*

SCOTT L. POISSON, ESQ.
Nevada Bar No. 10188
AMBER N. KING, ESQ.
Nevada Bar No. 14070
320 S. Jones Blvd.
Las Vegas, NV 89107

Attorneys for Plaintiff
Elwin Brodie

DATED this 9th day of February, 2022.

PHILLIPS, SPALLAS & ANGSTADT LLC

/s/ *Latisha Robinson*

ROBERT K. PHILLIPS, ESQ.
Nevada Bar No. 11441
TIMOTHY D. KUHLS, ESQ.
Nevada Bar No. 13362
LATISHA ROBINSON, ESQ.
Nevada Bar No. 15314
504 South Ninth Street
Las Vegas, NV 89101

Attorneys for Defendant
Wal-Mart Stores, Inc.

IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

DATED: 2-10-2022

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1 **CERTIFICATE OF SERVICE**

2 Pursuant to FRCP Rule 5, I hereby certify that I am an employee of the law firm PHILLIPS,
 3 SPALLAS & ANGSTADT, LLC, and that on this 9th day of February, 2022, I electronically served a
 4 copy of **STIPULATION AND [PROPOSED] ORDER TO EXTEND DISCOVERY DEADLINES**
 5 **[THIRD REQUEST]** as follows:

- 6 By facsimile addressed to the following counsel of record, at the address listed below;
- 7 By placing same to be deposited for mailing in the United States Mail, in a sealed envelope
 upon which first class postage was prepaid in Las Vegas, Nevada;
- 8 By Hand Delivery (ROC); and/or
- 9 By Electronic Service through CM/ECF to:

10 ATTORNEY OF RECORD	11 TELEPHONE/FAX	12 PARTY
13 SCOTT T. POISSON, ESQ. Nevada Bar No. 10188 14 AMBER N. KING, ESQ. Nevada Bar No. 14070 BERNSTEIN & POISSON 320 South Jones Las Vegas, Nevada 89107	15 Phone 702-877-4878 16 Fax 702-256-6280	17 Plaintiff

18 */s/ Maryel Cervantes*

19 An Employee of PHILLIPS, SPALLAS & ANGSTADT, LLC

From: [Latisha Robinson](#)
To: [Maryel Cervantes](#)
Cc: [Joshua J. Kephart](#)
Date: Wednesday, February 9, 2022 4:46:12 PM
Attachments: [image001.png](#)
[2022-02-09 SAO FDD 3rd Request Brodie, E.docx](#)
[2022-02-09 SAO Extend Time to Attend Settlement Conf Brodie, E.docx](#)

Maryel, please file both stipulation. It just need your signature at the bottom of the certificate of service.

Thank you,
Latisha Robinson

Latisha Robinson

Associate Attorney

lrobinson@psalaw.net
[702-938-1510 ext. 213](tel:702-938-1510)

From: Amber King <amber@vegashurt.com>
Sent: Wednesday, February 9, 2022 4:39 PM
To: Latisha Robinson <lrobinson@psalaw.net>
Cc: Maryel Cervantes <mcervantes@psalaw.net>
Subject: RE: Proposed Stipulations

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You can attach my esignature to both stips.

From: Latisha Robinson <lrobinson@psalaw.net>
Sent: Wednesday, February 9, 2022 4:37 PM
To: Amber King <amber@vegashurt.com>
Cc: Maryel Cervantes <mcervantes@psalaw.net>
Subject: Proposed Stipulations

Good afternoon Amber,
Attached are the stipulations for your review. Please let us know if there are any proposed edits. If there are not, may I affix your e-signature on the document.
Thank you,
Latisha Robinson

Latisha Robinson

Associate Attorney



San Francisco | Las Vegas | Los Angeles | Napa Valley

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